



Office of Environment, Safety and Health

Consent Order 2005-01 Agreement between DOE & BHI

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Helping the field succeed with safe and reliable operations.





Consent Order 2005-01

Hazard identification and personnel exposure at 618-2 historical burial site

- Discovery of combination safe – December 14, 2004
- Potential intake during investigative surveys – December 16, 2004

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STAGING/STOCKPILE AREA

S1B-2 MATERIAL WAITING FINAL SORT

S1B-2 MATERIAL

ALUMINUM CUP

300 TRENCH AIR MONITOR

S1B-3 BURIAL GROUND

S1B-2 BURIAL GROUND

ARA (EXPANDED BOUNDARY)

HCA (AT TIME OF UPTAKE)

CHANGE TRAILER

LEGEND:

- ▲ (E) RADCON AIR MONITOR
- ARA: AIRBOURNE RADIOACTIVITY AREA
- HCA: HIGH CONTAMINATION AREA



Consent Order 2005-01

Discover of a Combination Safe

- **Metal safe unearthed during excavation activities**
- **Small quantities of containerized liquid inside the safe**
- **Work stopped –ASA did not address liquids**
- **Identification of pure plutonium > one gram quantity**

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Consent Order 2005-01

Potential Intake during Investigative Surveys

- **Two RCTs conducting survey activity at a soil staging/stockpile area to determine source of elevated lapel air samples from a laborer**
- **Beta-gamma monitoring performed; plutonium in separate form not expected**
- **Alpha contamination found in change trailer used by RCTs**
- **Am-241 and Pu-239 identified**
- **RCTs underwent bioassay testing – doses < 50 mrem**

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Guidance for Issuing Consent Orders

- **EGS 03-01, July 21, 2003 – Supplemental Guidance concerning the Factual Bases for Issuing Consent Orders pursuant to 10 CFR 820.23**
- **Who initiates the Process?**
 - Letter from OE to contractor formally opening an investigation
 - Letter from contractor to OE requesting consideration for a consent order – “The Sooner the Better”

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Guidance for Issuing Consent Orders

What OE will consider/review:

- **Consent Order request with supporting documentation**
- **Strong/proactive nuclear safety performance history**
 - PAAA Program Reviews
 - Enforcement History
 - NTS Reporting
 - ORPS Reporting
 - Nuclear Safety Performance Indicators
 - Investigation by the Contractor

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Guidance for Issuing Consent Orders

What OE will consider/review (*cont'd*):

- Comprehensive Corrective Actions
- Input from local DOE Office/Assessments
- External Assessments: oversight reviews from EH; OA assessments
- Input from HQ Program Office

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Guidance for Issuing Consent Orders

- **Letter from OE to Contractor issuing/transmitting Consent Order or rejecting the request:**
 - Results of the review of the Consent Order request and supporting documentation
 - Expectations and continuing implementation of corrective actions and controls
 - Consent Order issued in lieu of NOV with civil penalties
 - Agreed-upon monetary settlement
 - Consent Order signed by both DOE and contractor
 - No Press Releases

